

**REPORT OF THE AUDIT OF THE
OWSLEY COUNTY
SHERIFF'S SETTLEMENT - 2009 TAXES**

**For The Period
July 2, 2009 Through April 15, 2010**



**CRIT LUALLEN
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
OWSLEY COUNTY
SHERIFF'S SETTLEMENT - 2009 TAXES

For The Period
July 2, 2009 Through April 15, 2010

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2009 Taxes for the Owsley County Sheriff for the period July 2, 2009 through April 15, 2010. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$934,420 for the districts for 2009 taxes, retaining commissions of \$38,810 to operate the Sheriff's office. The Sheriff distributed taxes of \$892,554 to the districts for 2009 taxes. Taxes of \$34 are due to the districts from the Sheriff.

Report Comment:

2009-01 The Sheriff's Office Lacks Adequate Segregation Of Duties

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Ronnie Debord, Owsley County Judge/Executive

Honorable Kelly Shouse, Owsley County Sheriff

Members of the Owsley County Fiscal Court

Independent Auditor's Report

We have audited the Owsley County Sheriff's Settlement - 2009 Taxes for the period July 2, 2009 through April 15, 2010. This tax settlement is the responsibility of the Owsley County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Owsley County Sheriff's taxes charged, credited, and paid for the period July 2, 2009 through April 15, 2010, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated July 22, 2011 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Ronnie Debord, Owsley County Judge/Executive

Honorable Kelly Shouse, Owsley County Sheriff

Members of the Owsley County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

2009-01 The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen

Auditor of Public Accounts

July 22, 2011

OWSLEY COUNTY
KELLY SHOUSE, SHERIFF
SHERIFF'S SETTLEMENT - 2009 TAXES

For The Period July 2, 2009 Through April 15, 2010

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 108,127	\$ 281,609	\$ 309,042	\$ 93,556
Tangible Personal Property	3,793	15,336	11,047	8,690
Fire Protection	1,494			
Increases Through Exonerations	25	61	73	22
Franchise Taxes	25,518	89,671	74,273	
Unmined Coal - 2009 Taxes	1,181	2,839	3,374	1,022
Oil and Gas Property Taxes	1,626	3,909	4,647	1,407
Penalties	1,327	3,406	3,757	1,147
Adjusted to Sheriff's Receipt	390	1,200	1,315	173
	<u>143,481</u>	<u>398,031</u>	<u>407,528</u>	<u>106,017</u>
<u>Gross Chargeable to Sheriff</u>				
<u>Credits</u>				
Exonerations	3,072	8,443	8,781	2,658
Discounts	1,309	3,449	3,755	1,150
Delinquents:				
Real Estate	9,382	22,607	26,487	8,019
Tangible Personal Property	133	610	390	243
Franchise Taxes	2,387	10,857	6,905	
	<u>16,283</u>	<u>45,966</u>	<u>46,318</u>	<u>12,070</u>
<u>Total Credits</u>				
Taxes Collected	127,198	352,065	361,210	93,947
Less: Commissions *	5,406	14,963	14,448	3,993
	<u>121,792</u>	<u>337,102</u>	<u>346,762</u>	<u>89,954</u>
Taxes Due				
Taxes Paid	121,354	336,077	345,533	89,590
Refunds (Current and Prior Year)	438	998	1,222	364
	<u>0</u>	<u>27</u>	<u>7</u>	<u>0</u>
Due Districts		**		
as of Completion of Audit	\$ 0	\$ 27	\$ 7	\$ 0

* and ** See next page.

The accompanying notes are an integral part of this financial statement.

OWSLEY COUNTY
KELLY SHOUSE, SHERIFF
SHERIFF'S SETTLEMENT - 2009 TAXES
For The Period July 2, 2009 Through April 15, 2010
(Continued)

* Commissions:

4.25% on	\$	573,210
4% on	\$	361,210

** Special Taxing Districts:

City of Booneville	\$	<u>27</u>
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Due District	\$	<u><u>27</u></u>
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OWSLEY COUNTY
NOTES TO FINANCIAL STATEMENT

April 15, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Owsley County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

OWSLEY COUNTY
NOTES TO FINANCIAL STATEMENT
April 15, 2010
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Owsley County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 15, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2009. Property taxes were billed to finance governmental services for the year ended June 30, 2010. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 7, 2009 through April 15, 2010.

B. Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2009. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was February 22, 2010 through April 15, 2010.

C. Gas Property Taxes

The tangible property tax assessments were levied as of January 1, 2009. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 4, 2009 through April 15, 2010.

Note 4. Interest Income

The Owsley County Sheriff earned \$394 as interest income on 2009 taxes. The Sheriff made distributions to the school district as required by statute, and the remainder was used to operate the Sheriff's office. As of July 22, 2011, the Sheriff owed \$37 in interest to the school district and \$71 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Owsley County Sheriff collected \$5,974 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the Sheriff's office.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Ronnie Debord, Owsley County Judge/Executive
Honorable Kelly Shouse, Owsley County Sheriff
Members of the Owsley County Fiscal Court

Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Owsley County Sheriff's Settlement - 2009 Taxes for the period July 2, 2009 through April 15, 2010, and have issued our report thereon dated July 22, 2011. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Owsley County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying comment and recommendation, we identified a certain deficiency in internal control over financial reporting that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comment and recommendation as item 2009-01 to be a material weakness.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Owsley County Sheriff's Settlement - 2009 Taxes for the period July 2, 2009 through April 15, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

The Owsley County Sheriff's response to the finding identified in our audit is described in the accompanying comment and recommendation. We did not audit the Sheriff's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the Owsley County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a stylized, cursive script.

Crit Luallen
Auditor of Public Accounts

July 22, 2011

COMMENT AND RECOMMENDATION

OWSLEY COUNTY
KELLY SHOUSE, SHERIFF
COMMENT AND RECOMMENDATION

For The Period July 2, 2009 Through April 15, 2010

INTERNAL CONTROL - MATERIAL WEAKNESS:

2009-01 The Sheriff's Office Lacks Adequate Segregation Of Duties

The Sheriff's office lacks adequate segregation of duties as the Sheriff's bookkeeper maintains the ledgers, deposits the collections, collects funds from customers and prepares checks. Good internal controls dictate the same employee should not handle and record receipts and disbursements. We recommend the Sheriff either segregate these duties or implement steps to strengthen internal controls, such as:

- The Sheriff should periodically compare daily bank deposit to the daily tax collection printout. Any differences should be reconciled. The Sheriff should document this by initialing the bank deposit and the daily tax collection printout.
- The Sheriff should compare his daily tax collection printouts for each month to his monthly tax collection report for each district. Any differences should be reconciled. The Sheriff should document this by initialing this district's monthly tax collection report for the month being examined.
- The Sheriff should periodically compare payments made to the taxing districts per the monthly tax collection reports to the checks that were actually written. The Sheriff should document this by initialing the monthly tax collection report noting that the payment amount agreed with the check.
- The Sheriff should periodically compare the bank reconciliation to the checkbook balance. Any differences should be reconciled. The Sheriff should document this by initialing the bank reconciliation and the balance in the checkbook.
- The Sheriff should personally sign each and every check paid out of his office.
- The Sheriff should personally mail or deliver tax payments to the districts.

Sheriff's Response: We do the best we can with limited staff.

Auditor's Reply: Even with a limited staff, the Sheriff can implement the above compensating controls without the addition of more staff.

